



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4755

Introduced 1/11/2010, by Rep. Cynthia Soto

SYNOPSIS AS INTRODUCED:

105 ILCS 45/1-50 new

Amends the Education for Homeless Children Act. Requires the State Board of Education to award competitive grants under an Education of Homeless Children and Youth State Grant Program to applicant school districts to support school districts throughout this State in facilitating the enrollment, attendance, and success of homeless children and youth. Provides that grants must be awarded on the basis of the need of the school district for assistance and the quality of the applications submitted. Provides that grants shall be for terms not to exceed 3 years, but are subject to annual appropriation. Requires school districts to use funds only for those activities set forth in the federal McKinney-Vento Homeless Assistance Act of 1987. Provides that there is no rulemaking authority under the amendatory Act, but that the Governor may suggest rules by filing them with the General Assembly and requesting that the General Assembly authorize such rulemaking by law, enact the suggested rules into law, or take other appropriate action in the General Assembly's discretion.

LRB096 16498 MJR 31768 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Education for Homeless Children Act is
5 amended by adding Section 1-50 as follows:

6 (105 ILCS 45/1-50 new)

7 Sec. 1-50. Education of Homeless Children and Youth State
8 Grant Program.

9 (a) It is the purpose and intent of this Section to
10 establish a State grant program that parallels and supplements,
11 but operates independently of, the federal grant program
12 allocating funds for assistance under Subtitle B of Title VII
13 of the federal McKinney-Vento Homeless Assistance Act (42
14 U.S.C. 11431 et seq.) and to establish a State grant program to
15 support school districts throughout this State in facilitating
16 the enrollment, attendance, and success of homeless children
17 and youth.

18 (b) Subject to appropriation, the State Board of Education
19 shall award competitive grants under an Education of Homeless
20 Children and Youth State Grant Program to applicant school
21 districts in accordance with this Section. Services provided by
22 school districts through the use of grant funds may not replace
23 the regular academic program and must be designed to expand

1 upon or improve services provided for homeless students as part
2 of the school's regular academic program.

3 (c) A school district that desires to receive a grant under
4 this Section shall submit an application to the State Board of
5 Education at such time, in such manner, and containing or
6 accompanied by such information as the State Board of Education
7 may reasonably require.

8 (d) Grants must be awarded on the basis of the need of the
9 school district for assistance under this Section and the
10 quality of the applications submitted.

11 (1) In determining need under this subsection (d), the
12 State Board of Education may consider the number of
13 homeless children and youths enrolled in preschool,
14 elementary school, and secondary school within the school
15 district and shall consider the needs of such children and
16 youths and the ability of the district to meet such needs.
17 The State Board of Education may also consider the
18 following:

19 (A) The extent to which the proposed use of funds
20 will facilitate the enrollment, retention, and
21 educational success of homeless children and youths.

22 (B) The extent to which the application (i)
23 reflects coordination with other local and State
24 agencies that serve homeless children and youths and
25 (ii) describes how the applicant will meet the
26 requirements of this Act and the federal

1 McKinney-Vento Homeless Education Assistance
2 Improvements Act of 2001.

3 (C) The extent to which the applicant exhibits in
4 the application and in current practice a commitment to
5 education for all homeless children and youths.

6 (D) Such other criteria as the State Board
7 determines is appropriate.

8 (2) In determining the quality of applications under
9 this subsection (d), the State Board of Education shall
10 consider the following:

11 (A) The applicant's assessment of needs and the
12 likelihood that the services presented in the
13 application will meet such needs.

14 (B) The types, intensity, and coordination of the
15 services to be provided.

16 (C) The involvement of parents or guardians of
17 homeless children or youths in the education of these
18 children.

19 (D) The extent to which homeless children and
20 youths are effectively integrated within the regular
21 education program.

22 (E) The quality of the applicant's evaluation plan
23 for the services.

24 (F) The extent to which services provided will be
25 coordinated with other services available to homeless
26 children and youths and their families.

1 (G) Such other measures as the State Board
2 considers indicative of high-quality services, such as
3 the extent to which the school district will provide
4 case management or related services to unaccompanied
5 youths.

6 (e) Grants awarded under this Section shall be for terms
7 not to exceed 3 years, but are subject to annual appropriation
8 for the Education of Homeless Children and Youth State Grant
9 Program. School districts shall use funds awarded under this
10 Section only for those activities set forth in Section 723(d)
11 of Subtitle B of Title VII of the McKinney-Vento Homeless
12 Assistance Act of 1987 (42 U.S.C. 11433(d)).

13 (f) Notwithstanding any other rulemaking authority that
14 may exist, neither the Governor nor any agency or agency head
15 under the jurisdiction of the Governor has any authority to
16 make or promulgate rules to implement or enforce the provisions
17 of this amendatory Act of the 96th General Assembly. If,
18 however, the Governor believes that rules are necessary to
19 implement or enforce the provisions of this amendatory Act of
20 the 96th General Assembly, the Governor may suggest rules to
21 the General Assembly by filing them with the Clerk of the House
22 and the Secretary of the Senate and by requesting that the
23 General Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
25 in the General Assembly's discretion. Nothing contained in this
26 amendatory Act of the 96th General Assembly shall be

1 interpreted to grant rulemaking authority under any other
2 Illinois statute where such authority is not otherwise
3 explicitly given. For the purposes of this amendatory Act of
4 the 96th General Assembly, "rules" is given the meaning
5 contained in Section 1-70 of the Illinois Administrative
6 Procedure Act, and "agency" and "agency head" are given the
7 meanings contained in Sections 1-20 and 1-25 of the Illinois
8 Administrative Procedure Act to the extent that such
9 definitions apply to agencies or agency heads under the
10 jurisdiction of the Governor.